

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

**BETTERSTEN R. WADE AND VERNICE
ROBINSON, INDIVIDUALLY AND ON
BEHALF OF ALL HEIRS AT LAW AND
WRONGFUL DEATH BENEFICIARIES
OF GEORGE ROBINSON, DECEASED**

PLAINTIFFS

VS.

CAUSE NO. 3:19-CV-00897-CWR-FKB

**CITY OF JACKSON, MISSISSIPPI;
ANTHONY FOX, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITIES; DESMOND
BARNEY, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES; LINCOLN
LAMPLEY, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITIES; AND AMERICAN
MEDICAL RESPONSE, INC.**

DEFENDANTS

**PLAINTIFFS' COMBINED RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

COME NOW the Plaintiffs, Bettersten Wade and Vernice Robinson, by and through counsel, and file this their Combined Response in Opposition to Defendants' Motions for Summary Judgment, and in support of said response would show unto the Court the following:

1. The Defendants, City of Jackson, Anthony Fox, Desmond Barney, and Lincoln Lampley (such individual officers are also referred to as "Defendant officers"), are not entitled to an award of summary judgment in that multiple genuine issues of material fact exist, and said Defendants are not entitled to judgment as a matter of law.

2. The Defendant officers used excessive force in striking, seizing, and detaining George

Robinson (“Robinson”) in violation of the Fourth Amendment to the U.S. Constitution. As a result of such conduct, Robinson was severely injured thereby resulting in his death.

3. The Defendant officers and/or the City of Jackson are not entitled to the protection of qualified immunity in that their conduct was egregious, and reasonable officers would have known that the degree of force applied to Robinson was unconstitutionally excessive under the circumstances.

4. Municipal liability, pursuant to 42 U.S.C. § 1983, may be imposed upon the City of Jackson in that it had a policy of using “jump out” squads to unlawfully detain, arrest, harass, and deprive citizens, including Robinson, of their constitutionally protected rights, and that said municipality failed to adequately train its officers in the questioning, detainment, and use of force regarding citizens. Further, the City of Jackson had and/or has an official policy promulgated by the municipal policymaker that was the moving force behind the violation of Robinson’s Constitutional rights, including the Fourth and Fifth Amendments to the U.S. Constitution.

5. The City of Jackson failed to properly train and supervise the Defendant officers, thereby resulting in the illegal detainment, injury, and death of Robinson. Such failure to train and supervise by the City of Jackson evidenced a deliberate indifference to Robinson’s Constitutional rights.

6. The Defendant officers unlawfully detained and arrested Robinson, in violation of the Fourth Amendment to the U.S. Constitution.

7. The Defendants are liable for the injuries and death sustained by Robinson, pursuant to the Mississippi Tort Claims Act, in that they acted with reckless disregard for the safety of Robinson and the general public. Thus, tort liability may be imposed on the City of Jackson and the Defendant officers.

8. The Plaintiffs incorporate into this response their Memorandum of Authorities in Support of Combined Response in Opposition to Defendants’ Motions for Summary Judgment, along with all attachments or exhibits thereto.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs, Bettersten Wade and Vernice Robinson, would respectfully request that this Court enter an Order denying the Defendants' Motions for Summary Judgment. Further, the Plaintiffs would request any other such relief as this Court deems appropriate.

Dated: April 14, 2021.

BETTERSTEN WADE AND VERNICE
ROBINSON

BY:/s/ Dennis C. Sweet, III
Dennis C. Sweet, III

Dennis C. Sweet, III (MSB #8105)
Sweet & Associates
158 East Pascagoula Street
Jackson, Mississippi 39201
Telephone: (601) 965-8700

CERTIFICATE OF SERVICE

I hereby certify that on this day I filed the foregoing document with the Clerk of the Court, via the Court's MEC/ECF system, which provided an electronic copy of the same to all counsel of record.

SO CERTIFIED, this, the 14th day of April, 2021.

/s/ Dennis C. Sweet, III
Dennis C. Sweet, III